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AZ CORP COMMISSION Docket No. T-000000A-97-0238

IN THE MATTER OF THE U S WEST
 COMMUNICATIONS, INC.
 COMPLIANCE WITH SECTION 271
 OF THE TELECOMMUNICATIONS
 ACT OF 1996

) U S WEST'S COMMENTS AND
) POSITION STATEMENT
) REGARDING DCI MASTER
) TEST PLAN

Arizona Corporation Commission

DOCKETED

U S WEST, by its counsel, respectfully submits its comments and position statement regarding the Master Test Plan issued by the Arizona Corporation Commission ("ACC") Staff and developed by Doherty & Company, Inc. ("DCI").

THE DRAFT MASTER TEST PLAN IS COMPREHENSIVE.

The ACC Staff and DCI should be commended for developing a comprehensive test plan appropriately adapted to Arizona. The Master Test Plan contains proposals for a complete and thorough evaluation of the access that U S WEST provides CLECs to its operational support systems ("OSS") for pre-order, order, provisioning, maintenance and repair, and billing. When compared to the standard set forth by the FCC regarding whether a BOC is providing sufficient access to OSS, it is clear that the Master Test Plan covers all elements of the FCC standard.

The Master Test Plan is based upon the testing being directed by the Texas Commission of the access that SBC provides to its OSS. It is entirely appropriate that the Master Test Plan is modeled on the Texas Test. The Texas Test was developed after an extensive collaborative effort between SBC, the Texas Commission, the DOJ and CLECs. By adopting the Texas Test, the parties to this case can avoid the time and expense of repeating that work.

The ACC Staff has made some changes to the Texas Test. Some of the changes are necessary to adapt the test to U S WEST's region. Other changes expand the scope of the test, and, as a result, the Master Test Plan is more comprehensive and rigorous than the Texas Test.

Several changes are necessary to adapt the Texas Test to U S WEST's 14-state region.

1 The Master Test Plan includes several changes to adapt the Texas Test to U S WEST's
2 14-state region. In aggregate, those changes make the Master Test Plan more rigorous than the
3 Texas Test.

4 First, a Pseudo-CLEC is included in the Master Test Plan because no CLEC has built a
5 complete interface to U S WEST's EDI interface. As a result, Section 9.5 of the Master Test
6 Plan includes the additional step of the Pseudo-CLEC "documenting the relative ease or
7 complexity of creating the interface." The Texas Test does not include any analysis of the
8 relative ease or complexity of creating an interface, and, consequently, the Master Test Plan is
9 broader in scope than the Texas Test.

10 Like the Texas Test, the Master Test Plan focuses on resale, UNE-C, UNE-Loop, UNE-
11 Loop with number portability, and number portability. However, the Master Test Plan adapts the
12 Texas Test to reflect U S WEST's product mix. Minor changes were made to reflect
13 U S WEST's product mix in Arizona. Those changes are listed in Section 3.4 of the Master Test
14 Plan plan. The changes consist of:

15 One product, EAS, is not included in the Master Test Plan because it is not available in
16 Arizona.

17 One product, interim number portability, is not included in the Master Test Plan because
18 there is no demand in Arizona for interim number portability, only for long-term
19 number portability. Long term number portability will be tested.

20 Resale of DSL and circular hunt are not included in the Master Test Plan. Resale of DSL
21 is not included because the FCC has not yet ruled on the issue of whether ILECs
22 are obligated to resell DSL services, and has just recently asked for comments on
23 the issue. (See FCC Public Notice DA 99-1858, dated September 9, 1999.)
24 Consequently, preorder and order for resale of DSL has not been mechanized and
25 is not included in the Master Test Plan, which is also the case for circular hunt.

26 The Master Test Plan includes many forms of UNE combinations, but not as many as the

1 Texas Test (where SBC has been ordered by the Texas Commission to provide an
2 extensive range of combinations for several years). The UNE combinations not
3 included in the Master Test Plan consist mostly of new connects, which are not
4 mandated by the recent Supreme Court Ruling because they involve combining
5 elements not already combined in the network.

6 DSL-capable loops were omitted from the Master Test Plan because DCI mistakenly
7 believed U S WEST would not have mechanized preorder and order for DSL-
8 capable loops at the time of the testing. U S WEST will have mechanized
9 preorder and order for DSL-capable loops by the fourth quarter of 1999, and that
10 functionality can be added to the Master Test Plan.

11 **B. Some changes constitute additions to the Texas Test.**

12 The Master Test Plan includes several significant additions to the Texas Test. The FCC
13 Staff suggested two of those changes, and DCI added several of those changes on its own.

14 The Change Management Test (Section 7) and the Performance Measurement Evaluation
15 (Section 8) were not contained in the Texas Test Plan. Representatives of the FCC Staff have
16 indicated that evaluation of change management and performance measurements should be
17 included in the test. For that reason, Sections 7 and 8 were included in the Master Test Plan
18 (similar sections are also being incorporated into the Texas Test). The Change Management Test
19 (Section 7) is a "process test to ensure that U S WEST's system and/or process change control
20 methods are appropriately conducted and communicated to CLECs effectively, based on the
21 defined change control procedures." (Master Test Plan, Section 7.1.) The Performance
22 Measurement Evaluation (Section 8) will demonstrate whether U S WEST is properly collecting
23 data and collecting performance measurement results.

24 The Master Test Plan also includes two sections that are not, and most likely will not be,
25 included in the Texas Test. Section 5, the Retail Parity Evaluation, has no equivalent in neither
26 the Texas Test nor the testing being conducted in New York. Section 7.6, U S WEST-CLEC

1 Interaction, also has no equivalent in the Texas Test. Pursuant to that section, the Third Party
2 Consultant will evaluate "the interaction between U S WEST and its CLEC customers
3 concerning their ongoing utilization of U S WEST's OSS."

4 **THERE SHOULD BE NO SIGNIFICANT CHANGES TO THE MASTER TEST PLAN.**

5 Presumably, the ACC Staff chose to base the Master Test Plan on the Texas Test because
6 that test was the result of an extensive collaborative effort and concessions made by all sides,
7 including SBC. The intent of the workshops should not be to cover the same ground covered in
8 Texas. Doing so would defeat the whole purpose of adopting the Texas Test as a baseline.

9 The workshops should also not be a forum for parties who unsuccessfully advocated
10 positions in Texas to reargue the same positions here – in other words, to have a second bite at
11 the apple. U S WEST has refrained from attempting to limit the scope of the Master Test Plan to
12 less than the scope of the Texas Test. Other parties should refrain from attempting to increase
13 the scope of the Master Test Plan to more than the scope of the Texas Test. The changes should
14 be limited to those necessary to adapt the test to Arizona. The scope of the Texas Test is not
15 where U S WEST would start when negotiating the design of a test, and it should not be the
16 baseline for negotiating a significant increase in scope during the workshops.

17 **U S WEST PROPOSES MINOR CHANGES TO THE MASTER TEST PLAN.**

18 The Master Test Plan is modeled upon the Texas Test, which was itself the product of a
19 considerable collaborative effort between SBC, the Texas Commission, the DOJ and CLECs.
20 DCI has done an admirable job adapting the Texas Test to the U S WEST region. DCI has
21 already increased the scope of the Texas Test, and the scope of the Master Test plan should not
22 be further expanded absent a compelling reason. If the intent of these proceedings were to
23 rewrite the Master Test Plan, U S WEST would request elimination of those sections not
24 contained in the Texas Test: Section 5, the Retail Parity Evaluation, and Section 7.6,
25 U S WEST-CLEC Interaction. In the spirit of cooperation, U S WEST will not advocate such
26 major changes to the Master Test Plan and will limit its suggestions to several minor changes.

1 U S WEST suggests that the Capacity Test be based on projections for all 14 states, not
2 just Arizona. U S WEST's systems are regionally based, and 14-state projections are appropriate
3 for the test.

4 The addition of the Performance Measurement Evaluation is a reasonable effort to
5 accommodate requests by the FCC Staff. However, U S WEST has one concern regarding the
6 Performance Measurement Evaluation. U S WEST's concern with the Performance
7 Measurement Evaluation is the use and role of Appendix D. The last paragraph of Section 8.2
8 sets forth a reasonable procedure for the use of that exhibit. That procedure is that the parties
9 will indicate their views regarding which performance measurements are necessary for the
10 Functionality and Capacity Tests, and standards will be assigned for only those necessary
11 measures. The Test Plan should not be a vehicle for determining standards that U S WEST must
12 meet to pass individual checklist items – those are ultimate issues in the case and should be left
13 for a 271 hearing before the Commission.

14 Limiting the discussion of standards to OSS is consistent with the direction of th
15 Commission. The Commission ordered that the workshops provide a vehicle “to facilitate a
16 collaborative process to determine OSS standards.” (Decision 61837, July 21, 1999.) The
17 Performance Measurement Evaluation should focus on whether U S WEST is collecting proper
18 data and computing correct results; it should not take the place of a hearing on the merits on the
19 checklist items.

20 U S WEST suggests that the Staff set an orderly procedure for the parties to make
21 proposals regarding the specifics of Appendix D. The procedure should include the ability to
22 present unresolved issues, and to appeal decisions, to the Commission.

23 U S WEST also has concerns regarding the Retail Parity Evaluation. A parity evaluation
24 has not been part of the testing in either Texas or New York. That being said, U S WEST is
25 willing to accept this expansion of the scope of the Texas Test. However, part of the Retail
26 Parity Evaluation is redundant and should be eliminated. To the extent that the test includes

1 measurements of response times, those efforts are redundant of U S WEST's reported
2 performance measurement results, which will be verified in the Performance Measurement
3 Evaluation. In discussions with U S WEST, members of the FCC staff expressed the opinion
4 that such redundant efforts are unnecessary. U S WEST suggests that the redundant
5 measurement comparison be eliminated, and the Retail Parity Evaluation be limited to an overall
6 comparison of whether the experience of a CLEC customer talking to a CLEC representative
7 using U S WEST's OSS interfaces is substantially the same as the experience of a U S WEST
8 customer talking to a U S WEST representative using the appropriate U S WEST internal
9 interface.

10 **IV. THE PROPOSED TEST IS COMPREHENSIVE AND INCLUDES ALL**
11 **ELEMENTS OF THE FCC's OSS INQUIRY.**

12 In evaluating whether a BOC is providing nondiscriminatory access to its OSS, the FCC
13 has established a two-part inquiry, which actually consists of three elements. In its 271 orders,
14 the FCC has discussed OSS testing only in the context of the second prong of that test, whether
15 the BOC's OSS are operationally ready. In those orders, the FCC stated that, in the absence of
16 actual usage, the BOC may prove operational readiness with independent third-party testing,
17 carrier-to-carrier testing, and internal testing. (*See FCC Ameritech Michigan Order*, ¶ 138; *FCC*
18 *BellSouth Louisiana II Order*, ¶ 86.)

19 Although the FCC has discussed third-party testing only in the context of whether a
20 BOC's OSS are operationally ready, the Draft Master Test Plan covers all issues considered by
21 the FCC in its evaluation of OSS. It is more complete than necessary, and the scope of the test
22 should not be expanded.

23 The Master Test Plan evaluates whether U S WEST has deployed the necessary systems
24 and personnel to provide sufficient access to OSS.

25 The first element of the FCC's test is "whether the BOC has deployed the necessary
26 systems and personnel to provide sufficient access to each of the necessary OSS functions [pre-

1 ordering, ordering, provisioning, repair an maintenance, and billing]. *FCC BellSouth Louisiana*
2 *II Order*, ¶ 85 (emphasis added).

3 The FCC described this to mean that the BOC must demonstrate that it has developed
4 sufficient electronic and manual interfaces to allow competing carriers to access
5 all necessary OSS functions, and

6 For those functions that the BOC accesses electronically, it has provided equivalent
7 access for competing carriers.

8 The FCC has further defined “equivalent access” and “sufficient electronic and manual
9 interfaces” as follows:

10 For those OSS functions that are analogous to OSS functions the BOC performs for itself
11 (such as pre-ordering, ordering and provisioning for resale), the BOC must offer
12 access that is equivalent to the access it provides itself. Equivalency is not
13 defined as identical, however, but rather as access to OSS functions such that
14 CLECs are able to perform OSS functions in substantially the same time and
15 manner as the BOC. *FCC BellSouth Louisiana II Order*, ¶ 87.

16 The FCC has specifically recognized that the ordering and provisioning of unbundled
17 network elements have no retail analogue. For those functions with no retail
18 analogue (such as ordering and provisioning of UNEs), the BOC must establish
19 that its interfaces provide efficient CLECs a meaningful opportunity to compete.
20 *FCC BellSouth Louisiana II Order*, ¶ 87 (emphasis added).

21 The Master Test Plan includes evaluations of whether U S WEST is providing sufficient
22 access to OSS. The Functionality Test (Section 4) will test whether U S WEST has implemented
23 sufficient interfaces and whether US WEST's OSS work for each listed order type, thus
24 providing an efficient competitor a meaningful opportunity to compete. Similarly, the Retail
25 Parity Evaluation (Section 5) will provide a direct evaluation of whether U S WEST provides to
26 CLECs access to OSS in substantially the same time and manner as it provides access to itself.

1 The Master Test Plan includes an evaluation of whether U S WEST is adequately
2 assisting CLECs to implement and use OSS functions.

3 The second element of the FCC test is "whether the BOC is adequately assisting
4 competing carriers to understand how to implement and use all of the OSS functions available to
5 them." *FCC BellSouth Louisiana II Order*, ¶ 85 (emphasis added). (The FCC considers this
6 element to be part of the first prong of its two-prong test.)

7 The FCC described this to mean that the BOC must demonstrate that it has provided
8 technical specifications to enable competing carriers to design or modify their
9 computer systems. *FCC Ameritech Michigan Order*, ¶ 137 (emphasis added).

10 The Master Test Plan provides a direct evaluation of the assistance U S WEST provides
11 to CLECs to implement and use OSS functions. Section 7.6 of the Master Test Plan provides
12 exactly that evaluation. Pursuant to that section, the Third Party Consultant will evaluate "the
13 interaction between U S WEST and its CLEC customers concerning their ongoing utilization of
14 U S WEST's OSS." Similarly, Section 9.5 of the Master Test Plan provides that the Pseudo-
15 CLEC will document the relative ease or complexity of building an EDI interface, thus providing
16 a direct evaluation of whether U S WEST has provided technical specifications to enable CLECs
17 to design or modify their computer systems.

18 The Master Test Plan includes an evaluation of whether U S WEST's OSS are
19 operationally ready.

20 The second prong, and third element, of the FCC test is "whether the OSS functions that
21 the BOC has deployed are operationally ready, as a practical matter." *FCC BellSouth Louisiana*
22 *II Order*, ¶ 85 (emphasis added).

23 The FCC has indicated that under this test the BOC must demonstrate that its OSS are
24 able to handle current and reasonably foreseeable demand. *Ameritech Michigan*
25 *Order*, ¶ 137 (emphasis added).

26 The Master Test Plan also includes an evaluation of whether U S WEST's OSS are

1 operationally ready. The Functionality Test provides an evaluation of the ability of U S WEST's
2 OSS to handle the enumerated order scenarios from preorder to billing. The Capacity Test also
3 provides an evaluation of whether U S WEST's OSS can handle current and reasonable
4 foreseeable demand.

5 **V. THE COMMENTS OF THE INTERVENORS DO NOT SUPPORT SIGNIFICANT**
6 **CHANGES TO THE MASTER TEST PLAN.**

7 Overall, the comments of the Intervenor do not support any wholesale rewriting of the
8 Master Test Plan. Those comments will be completely examined in the workshops, and
9 U S WEST will address the most significant comments here.

10 The Master Test Plan anticipates and incorporates most comments by the Intervenor.

11 The Master Test Plan prepared by the Commission Staff and DCI is so complete and
12 comprehensive that it anticipated and incorporated most comments by the Intervenor. For
13 example, AT&T and MCI suggest that the test include an evaluation of the information and
14 assistance that U S WEST provides to CLECs in using OSS functions. The Master Test Plan
15 contains just such an evaluation. Section 7.6, U S WEST-CLEC Interaction, provides that the
16 Third Party Consultant will evaluate "the interaction between U S WEST and its CLEC
17 customers concerning their ongoing utilization of U S WEST's OSS."

18 Cox suggests that the Functionality Test evaluate unbundled loops, unbundled loops with
19 number portability and stand-alone number portability. The Master Test Plan includes all such
20 products.

21 AT&T suggests that the testing include an evaluation of whether U S WEST is providing
22 sufficient access to OSS. The Functionality Test (Section 4) will test whether U S WEST has
23 implemented sufficient interfaces and whether U S WEST's OSS work for each listed order type,
24 thus providing an efficient competitor a meaningful opportunity to compete. Similarly, the
25 Retail Parity Evaluation (Section 5) will provide a direct evaluation of whether U S WEST
26 provides to CLECs access to OSS in substantially the same time and manner as it provides

1 access to itself.

2 Many parties suggest that the testing include preorder and order of DSL-capable loops.
3 As stated above, that functionality will be mechanized in late 1999, and preorder and order of
4 DSL-capable loops can be included in the Master Test Plan.

5 The Master Test Plan proposes the most reasonable use of a Pseudo-CLEC.

6 Several Intervenors have commented about the use of the Pseudo-CLEC, and there does
7 not appear to be agreement among the Intervenors about the use of a Pseudo-CLEC. Some
8 Intervenors, such as Cox, have expressed the opinion that a Pseudo-CLEC should not be used.
9 Others, such as MCI, have indicated that a Pseudo-CLEC should be used, and that CLEC-
10 initiated orders should not be included in the test.

11 In U S WEST's opinion, the Master Test Plan proposes the most efficient and effective
12 use of a Pseudo-CLEC. Because no CLEC has built a complete interface to U S WEST's EDI
13 interface, a Pseudo-CLEC must be used, or the EDI interface will not be tested. However, to the
14 extent possible, CLEC participation is desirable, and U S WEST fully supports the proposal in
15 the Master Test Plan that CLEC volunteers be allowed to participate.

16 The Master Test Plan should be limited to OSS testing.

17 Both AT&T and MCI propose that the Master Test Plan be drastically expanded to
18 include non-OSS issues. AT&T proposes that the test include interconnection and collocation.
19 MCI proposes that the test be expanded to include collocation and combining of unbundled
20 network elements. Expanding the Test Plan to include these items will make the testing process
21 unnecessarily long, overly expensive and completely unworkable. It will not be possible, and it
22 is not desirable, to include all issues in a 271 case in the Master Test Plan. The testing already
23 includes more than is necessary, and the testing should be limited to OSS issues.

24 AT&T's commercial testing proposal is unnecessary and would result in an unlawful
25 expansion of the checklist.

26 Even though the Master Test Plan will result in a complete evaluation of all elements of

1 the FCC's OSS test, AT&T is not satisfied. AT&T proposes that following the completion of the
2 third-party test, U S WEST's OSS be subjected to what AT&T calls "commercial testing."
3 AT&T does not define what it means by "commercial testing," but U S WEST fears that what
4 AT&T means is that U S WEST would not be entitled to 271 relief until a certain commercial
5 volume of orders is received in Arizona.

6 Such a proposal is unnecessary and would defeat the whole purpose of the third-party
7 test. The Master Test Plan will evaluate all elements of the FCC's OSS test, and further testing
8 is unnecessary. Indeed, the FCC has specifically stated that commercial testing is not necessary
9 for 271 relief. The FCC has stated that "the Commission will consider carrier-to-carrier testing,
10 independent third-party testing, and internal testing, in the absence of commercial usage, to
11 demonstrate commercial readiness." *FCC BellSouth Louisiana II Order*, ¶ 86.

12 More importantly, such a proposal would result in an unlawful expansion of the checklist.
13 When it enacted Section 271, Congress specifically rejected any market share loss or volume of
14 orders test. Recognizing this, the FCC has indicated that Section 271 does not include any
15 market share loss test, and that the number of orders from competitors must be merely more than
16 a *de minimis* number. *FCC Ameritech Michigan Order*, ¶ 76-78. In addition, the FCC rejected
17 the IXCs' suggestion that, to obtain 271 relief, a BOC must be "actually furnishing" checklist
18 items. *FCC Ameritech Michigan Order*, ¶ 109-110.

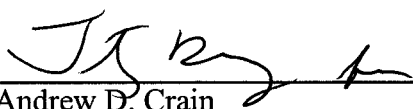
19 Now, AT&T is attempting to re-impose such a requirement through OSS testing.
20 U S WEST cannot be denied 271 relief because it is not "actually furnishing" a certain level of
21 orders through its OSS. Such a requirement, even if it is disguised as a "commercial usage test,"
22 would be contrary to the expressed intention of Congress and the FCC.

23 CONCLUSION

24 In conclusion, the Commission Staff and DCI should be commended for developing a
25 comprehensive and complete test plan. The Master Test Plan does not need any significant
26 changes, and the parties should move as quickly as possible to begin the testing process.

1 Dated: September 17, 1999.

2 Respectfully submitted,

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